



Rep. Dennis M. Reboletti

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LRB098 04173 MRW 45381 a

1 AMENDMENT TO SENATE BILL 1852

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1852 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 107-4 as follows:

6 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

7 Sec. 107-4. Arrest by peace officer from other  
8 jurisdiction.

9 (a) As used in this Section:

10 (1) "State" means any State of the United States and  
11 the District of Columbia.

12 (2) "Peace Officer" means any peace officer or member  
13 of any duly organized State, County, or Municipal peace  
14 unit, any police force of another State, the United States  
15 Department of Defense, or any police force whose members,  
16 by statute, are granted and authorized to exercise powers

1 similar to those conferred upon any peace officer employed  
2 by a law enforcement agency of this State.

3 (3) "Fresh pursuit" means the immediate pursuit of a  
4 person who is endeavoring to avoid arrest.

5 (4) "Law enforcement agency" means a municipal police  
6 department or county sheriff's office of this State.

7 (a-3) Any peace officer employed by a law enforcement  
8 agency of this State may conduct temporary questioning pursuant  
9 to Section 107-14 of this Code and may make arrests in any  
10 jurisdiction within this State: (1) if the officer is engaged  
11 in the investigation of criminal activity ~~an offense~~ that  
12 occurred in the officer's primary jurisdiction and the  
13 temporary questioning is conducted or the arrest is made  
14 pursuant to that investigation or the questioning or arrest  
15 relates to or arises from that investigation; or (2) if the  
16 officer, while on duty as a peace officer, becomes personally  
17 aware of the immediate commission of a felony or misdemeanor  
18 violation of the laws of this State; or (3) if the officer,  
19 while on duty as a peace officer, is requested by an  
20 appropriate State or local law enforcement official to render  
21 aid or assistance to the requesting law enforcement agency that  
22 is outside the officer's primary jurisdiction; or (4) in  
23 accordance with Section 2605-580 of the Department of State  
24 Police Law of the Civil Administrative Code of Illinois. While  
25 acting pursuant to this subsection, an officer has the same  
26 authority as within his or her own jurisdiction.

1           (a-7) The law enforcement agency of the county or  
2 municipality in which any arrest is made under this Section  
3 shall be immediately notified of the arrest.

4           (b) Any peace officer of another State who enters this  
5 State in fresh pursuit and continues within this State in fresh  
6 pursuit of a person in order to arrest him on the ground that  
7 he has committed an offense in the other State has the same  
8 authority to arrest and hold the person in custody as peace  
9 officers of this State have to arrest and hold a person in  
10 custody on the ground that he has committed an offense in this  
11 State.

12           (c) If an arrest is made in this State by a peace officer  
13 of another State in accordance with the provisions of this  
14 Section he shall without unnecessary delay take the person  
15 arrested before the circuit court of the county in which the  
16 arrest was made. Such court shall conduct a hearing for the  
17 purpose of determining the lawfulness of the arrest. If the  
18 court determines that the arrest was lawful it shall commit the  
19 person arrested, to await for a reasonable time the issuance of  
20 an extradition warrant by the Governor of this State, or admit  
21 him to bail for such purpose. If the court determines that the  
22 arrest was unlawful it shall discharge the person arrested.

23           (Source: P.A. 94-846, eff. 1-1-07; 95-423, eff. 8-24-07;  
24 95-750, eff. 7-23-08; 95-1007, eff. 12-15-08.)".